

**Employee Benefit Plan
Required Distributions
(Worksheet Number 9 – Determination of Qualification)**

INSTRUCTIONS – All items must be completed. A “Yes” answer generally indicates a favorable conclusion is warranted, while a “No” answer indicates a problem exists. Please use the space on the worksheet to explain any “No” answer. See Document 7004, Explanation Number 9, for guidance in completing this form.

The technical principles in this worksheet may be changed by future regulations or guidelines

Name of Plan

I. Distributions Before Death

a. Does the plan require that distributions to participants who are 5-percent owners commence not later than the April 1 following the calendar year in which the participant attains age 70½? [0902]

b. Does the plan require that distributions to participants who are not 5-percent owners commence by the April 1 following (plan must provide for one of the following options): [0903, 0904]

(i) the later of the calendar year in which the participant attains age 70½ or retires,

(ii) the calendar year in which the participant attains age 70½, or

(iii) the later of the calendar year in which the participant attains age 70½ or retires, except that benefits accrued before an SBJPA plan amendment must commence by the April 1 following the calendar year in which the participant attains age 70½?

c. If b.(i) applies, does the plan: [0905, 0906]

(i) give any participant (other than a 5-percent owner) who attains age 70½ after 1995 the option of commencing distributions by April 1 following age 70½ or deferring, or

(ii) preserve the age 70½ distribution option for participants who attain age 70½ before 1999?
(Note: see Explanation #9 for effective date)

d. If the plan allows a participant who attained age 70½ before 1997 to stop receiving distributions and recommence them at a later date, does the plan provide that there is either (i) a new annuity starting date or (ii) no new annuity starting date when distributions recommence? [0907]

e. If applicable, does the plan (if a defined benefit plan) require actuarial increases for a participant who retires in a calendar year after the calendar year in which the participant attains age 70½, for the period after age 70½ in which the participant was not receiving any benefits under the plan (see Explanation #2A)? [0908]

f. Will distribution of the participant's entire interest be made in one of the following ways: in a lump sum, over the life of the participant, over the lives of a participant and a designated beneficiary, over a period certain not extending beyond the life expectancy of the participant, or over a period certain not extending beyond the joint life and last survivor expectancy of the participant and a designated beneficiary? [0909]

II. Distributions After Death	Plan Reference	Yes	No	N/A
a. Does the plan provide that, if distributions have commenced before the participant's death, the remaining interest will be distributed at least as rapidly as under the method being used at the date of the participant's death? [0911]				
b. Does the plan provide that, if distributions have not commenced before the participant's death, the distribution will be made as set forth in (i) or (ii): [0912, 0913]				
(i) Any portion of the participant's interest that is not payable to a beneficiary designated by the participant will be distributed within five years after the participant's death?				
(ii) Any portion of the participant's interest that is payable to a beneficiary designated by the participant will be distributed either -				
(a) within five years after the participant's death; or				
(b) over the life of the beneficiary or over a period not extending beyond the life expectancy of the beneficiary, commencing not later than the calendar year immediately following the calendar year in which the participant died (or, if the designated beneficiary is the participant's surviving spouse, commencing not later than the calendar year following the calendar year in which the participant would have attained age 70½)?				
III. Minimum Distribution Requirements				
Does the plan provide that distributions will be made in accordance with both the minimum distribution requirements and the minimum distribution incidental benefit requirements of the proposed regulations? [0925]				
IV. Distributions Pursuant to TEFRA Transitional Rule				
If any employees made TEFRA transitional rule distribution elections, do the methods of distribution satisfy the requirements of IRC section 401(a)(9) as in effect on December 31, 1983, and also satisfy sections 401(a)(11) and 417? [0920]				

Comments